

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

CUTTING EDGE VISION, LLC,

Plaintiff,

v.

T-MOBILE US, Inc., and  
T-MOBILE USA, Inc.,

Defendants.

Civil Action No.: 6:24-cv-270-AM-DTG

**TRIAL BY JURY DEMANDED**

**AGREED AMENDED SCHEDULING ORDER**

Pursuant to the Order Governing Proceedings, and pursuant to Rule 16, Federal Rules of Civil Procedure, the Court ORDERS that the following schedule will govern the remaining deadlines up to and including the trial of this matter:

| <b>Original Deadline</b>   | <b>Amended Deadline</b> | <b>Item</b>   |
|----------------------------|-------------------------|---|
| Tuesday, January 21, 2025  | Friday, March 7, 2025   | Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.  |
| Tuesday, January 28, 2025  | Friday March 14, 2025   | Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.  |
| Tuesday, February 18, 2025 | Friday, April 4, 2025   | Plaintiff files Responsive claim construction brief.  |
| Tuesday, April 8, 2025     | Tuesday, April 8, 2025  | Docket Call Conference with Judge Moses at 9:00am. United States Courthouse; 111 East Broadway Street; Del Rio, TX 78840  |
| Tuesday, March 4, 2025     | Friday, April 18, 2025  | Defendant files Reply claim construction brief. Also, Parties to jointly email the law clerks ( <i>see</i> OGP at 1) to confirm their Markman date and to notify if any venue or jurisdictional motions remain unripe for resolution. |

|                            |                             |  |
|----------------------------|-----------------------------|--|
| Tuesday, March 18, 2025    | Friday, May 2, 2025         | Plaintiff files a Sur-Reply claim construction brief.  |
| Thursday, March 20, 2025   | Monday, May 5, 2025         | Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. <i>See</i> General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).   |
| Monday, March 24, 2025     | Thursday, May 8, 2025       | Parties submit optional technical tutorials to the Court and technical advisor (if appointed).   |
| Monday, March 31, 2025     | Thursday, May 15, 2025      | <i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.  |
| Tuesday, April 1, 2025     | Friday, May 16, 2025        | Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).  |
| Friday, May 9, 2025        | Monday, June 23, 2025       | Deadline to add parties.   |
| Friday, May 23, 2025       | Monday, July 7, 2025        | Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.   |
| Friday, July 18, 2025      | Monday, September 1, 2025   | Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)  |
| Friday, September 26, 2025 | Monday, November 10, 2025   | Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues. |
| Friday, October 24, 2025   | Monday, December 8, 2025    | Close of Fact Discovery.   |
| Monday, November 3, 2025   | Thursday, December 18, 2025 | Opening Expert Reports.  |
| Friday, November 28, 2025  | Monday, January 12, 2026    | Rebuttal Expert Reports.   |
| Friday, December 19, 2025  | Monday, February 2, 2026    | Close of Expert Discovery.   |
| Friday, January 2, 2026    | Monday, February 16, 2026   | Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits,  |

|                           |                           |  |
|---------------------------|---------------------------|--|
|                           |                           | the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.   |
| Friday, January 9, 2026   | Monday, February 23, 2026 | <p>Dispositive motion deadline and <i>Daubert</i> motion deadline.</p> <p><i>See General Issues Note #7</i> regarding providing copies of the briefing to the Court and the technical advisor (if appointed).</p> <p>Deadline for parties desiring to consent to trial before the magistrate judge to submit Form AO 85, "Notice, Consent, And Reference Of A Civil Action To A Magistrate Judge," available at <a href="https://www.uscourts.gov/forms/civilforms/notice-consent-and-reference-civil-action-magistratejudge">https://www.uscourts.gov/forms/civilforms/notice-consent-and-reference-civil-action-magistratejudge</a>.</p>   |
| Monday, January 26, 2026  | Thursday, March 12, 2026  | Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, deposition designations)   |
| Monday, February 9, 2026  | Thursday, March 26, 2026  | Serve objections to pretrial disclosures/rebuttal disclosures.   |
| Monday, February 9, 2026  | Thursday, March 26, 2026  | Parties to jointly email the Court's law clerk ( <i>See OGP at 1</i> ) to confirm their pretrial conference and trial dates.   |
| Monday, February 16, 2026 | Thursday, April 2, 2026   | Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .  |
| Monday, February 23, 2026 | Thursday, April 9, 2026   | <p>File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>.</p> <p>From this date onwards, the parties are obligated to notify the Court of any changes to the asserted patents or claims. Such notification shall be filed on the docket within seven (7) days of the change and shall include a complete listing of all asserted patents and claims. If a change to the asserted patents or claims requires leave of court (for example, if a party is moving for leave to assert additional claims), notification shall not be required until the Court grants leave, at which point the notification must be filed within seven (7) days.</p> |
| Monday, March 2, 2026     | Thursday, April 16, 2026  | File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested   |

|                          |                          |  |
|--------------------------|--------------------------|--|
|                          |                          | for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com<br><u>Deadline to file replies to motions <i>in limine</i>.</u> |
| Monday, March 9, 2026    | Thursday, April 23, 2026 | Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .  |
| Thursday, March 12, 2026 | Monday, April 27, 2026   | File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .  |
| TBD                      | TBD                      | Final Pretrial Conference. Held in person unless otherwise requested.  |
| TBD at Docket Call       | TBD at Docket Call       | Jury Selection/Trial.  |

**Respectfully Submitted By:**

/s/ David N. Deaconson

David N. Deaconson  
Texas Card Bar #05673400  
PAKIS, GIOTES, BURLESON & DEACONSON, P.C.  
P.O. Box 58  
Waco, TX 76703-0058  
(254) 297-7300 Phone  
(254) 297-7301 Facsimile  
[deaconson@pakislaw.com](mailto:deaconson@pakislaw.com)  
*Local Counsel for Plaintiff*

and

Eamon Kelly  
IL Bar No. 6296907  
*Admitted in the Western District of Texas*  
SPERLING & SLATER, PC  
55 West Monroe Street, 32<sup>nd</sup> Floor  
Chicago, IL 60603  
Tel.: (312) 641-3200  
Fax: (312) 641-6492  
[ekelly@sperling-law.com](mailto:ekelly@sperling-law.com)

Justin J. Lesko  
IL Bar No. 6306428  
*Admitted in the Western District of Texas*  
Steven G. Lisa  
IL Bar No. 6187348  
*Admitted in the Western District of Texas*

Law Offices of Lisa & Lesko, LLC  
332 South Michigan Avenue, Suite 900  
Chicago, IL 60605  
Tel.: (773) 484-3285  
[JustinLesko@patentit.com](mailto:JustinLesko@patentit.com)  
[SteveLisa@patentit.com](mailto:SteveLisa@patentit.com)

*Lead Counsel for Plaintiff*

/s/ Melissa R. Smith

Melissa R. Smith  
Texas Bar #24001351  
GILLAM & SMITH, LLP  
303 South Washington Avenue  
Marshall, Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
Email: [melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)

*Local Counsel for Defendants T-Mobile USA, Inc. and T-Mobile US, Inc.*

Theodore J. Angelis  
Elizabeth J. Weiskopf  
K&L Gates LLP  
925 Fourth Avenue, Suite 2900  
Seattle, WA 98104  
Tel. (206) 623-7580  
Fax (206) 623-7022  
[Theo.Angelis@klgates.com](mailto:Theo.Angelis@klgates.com)  
[Elizabeth.Weiskopf@klgates.com](mailto:Elizabeth.Weiskopf@klgates.com)

*Lead Counsel for Defendants T-Mobile USA, Inc. and T-Mobile US, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of January, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ David N. Deaconson

David N. Deaconson